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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YELLOWCAKE, INC., California
corporation,

Plaintiff,

v.

HYPHY MUSIC, INC.,

Defendant.

Case No.: 1:20-cv-00988-AWI-BAM

[Assigned to the Hon. Jennifer L. Thurston]

**DECLARATION OF EDUARDO LEON
IN SUPPORT OF HYPHY MUSIC,
INC.'S OPPOSITION TO PLAINTIFF
AND COUNTER-DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
AND SUMMARY ADJUDICATION**

HYPHY MUSIC, INC.,

Counterclaimant,

v.

YELLOWCAKE, INC.; COLONIZE
MEDIA, INC; JOSE DAVID
HERNANDEZ; and JESUS
CHAVEZ SR,

Counter-Defendants.

Date: September 29, 2023
Time: 9:00 a.m.
Dept.: Courtroom 4 (7th Floor)
2500 Tulare Street
Fresno, CA 93721
Judge: Hon. Jennifer L. Thurston

DECLARATION OF EDUARDO LEON

I, Eduardo Leon, declare and state as follows:

1. I am an individual currently residing in Santa Barbara, California, and am over 18 years of age. I am the owner and Chief Executive Officer of Defendant MORENA MUSIC, INC. (“*Morena*”). I know all of the following facts of my own personal knowledge and, if called upon and sworn as a witness, could and would competently testify thereto.

2. I have reviewed a copy of the Declaration of Jose David Hernandez (the “*Hernandez Declaration*”) and Exhibit A attached thereto, which was filed in the instant case of *Yellowcake Inc. v. Hyphy Music*, USDC Case No. 1:20-CV-00988 (the “*Hyphy Lawsuit*”).

3. In the Hernandez Declaration, Mr. Hernandez falsely claims that (a) Daddy Kool Records received copies of the Albums at issue in the Hyphy Lawsuit “from Morena” through a distributor named The Orchard (“*Orchard*”), (b) Hyphy’s Albums were provided to Orchard from Morena, and (c) Daddy Kool offering digital downloads of Hyphy’s Albums (with Hyphy’s artwork) evidences Morena acting “in corroboration” with Hyphy Music, Inc. (“*Hyphy*”).

4. However, this is untrue. Morena does not have the relationship with Hyphy as has been alleged—in fact, Hyphy is a competitor of Morena in the music business. Morena never worked with or collaborated with Hyphy on the production or digital distribution of the Albums that we understand to be in dispute in the Hyphy Lawsuit.

5. Mr. Hernandez does not say what he is basing his claims on, other than Exhibit A to that declaration, wherein a third party “Audible Magic” responds to a question from Jeremy Paulson of Counter-Defendant Colonize Media, Inc. asking about UPC Numbers 821691353127, 821691351628, and 81691350324.

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1 6. However, I am informed that those UPC Numbers refer to the albums
2 (1) “Celebrando 39”; (2) “50 Mentadas”; and (3) “15 Corridos Inmortales”. These
3 are the three albums that Morena co-authored and distributed that are at issue in
4 Yellowcake’s lawsuit against Morena, *not* the Albums at issue in the Hyphy
5 Lawsuit, or any copyright infringement claim set forth therein.

6 I declare under penalty of perjury under the laws of the State of California
7 and the United States of America that the foregoing is true and correct, and that this
8 Declaration was executed on August 14, 2023, at Santa Barbara, California.

DocuSigned by:

Eduardo Leon

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EDUARDO LEON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing electronically filed document has been served via a “Notice of Electronic Filing” automatically generated by the CM/ECF System and sent by e-mail to all attorneys in the case who are registered as CM/ECF users and have consented to electronic service pursuant to L.R. 5-3.3.

Dated: August 15, 2023

By: /s/ John Begakis
John M. Begakis